

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS**

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**NOTICE OF PROPOSED RULEMAKING****TITLE 25. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
(MOBILEHOME PARKS AND SPECIAL OCCUPANCY PARKS)**

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD), proposes to amend existing regulations and adopt new regulations governing Mobilehome and Special Occupancy Parks.

PUBLIC HEARING

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: November 3, 2008
Location: HCD (Headquarters)
1800 3rd Street, Room 470
Sacramento, CA 95814
Time: 9:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on November 3, 2008 in order to be considered. Written comments may be submitted by mail, e-mail, or facsimile as follows:

By mail to: Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712 ATTN: Ruth Ibarra

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15 days prior to its adoption from the contact person(s) designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

Health and Safety Code section 18300 grants HCD the authority to adopt regulations governing mobilehome parks and Health and Safety Code section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code sections 18200 through 18700 (Mobilehome Parks Act) and 18860 through 18874 (Special Occupancy Parks Act). The actual text of these statutes is available on the official California Legislative information website and at: <http://www.leginfo.ca.gov>

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

The Mobilehome Parks Act (MPA) contained in the Health and Safety Code (HSC) commencing with section 18200 and the Special Occupancy Parks Act (SOPA) commencing with HSC section 18860 were enacted for the benefit of mobilehome and special occupancy park operators, residents and users to assure their health, safety and general welfare, to provide them a decent living environment, and to protect the investments in their manufactured homes, mobilehomes, multifamily manufactured homes (MH-unit), and recreational vehicles.

Summary of Existing Regulations

Uniform statewide standards were developed to assure owners, operators, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety. Current regulations now require amendments to meet the needs of the regulated public.

Summary of Effect of Proposed Regulatory Action

The purpose of these changes is to update the existing regulations for mobilehome parks and special occupancy parks.

Those sections within Title 25, California Code of Regulations affected by this rulemaking (see "Sections Affected," below), and the specific purpose for each adoption, amendment, or repeal contained in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action. Other non-regulatory editorial amendments also have been made throughout the amended chapters. These proposed actions will enhance the clarity and applicability of the current regulations.

Summary of Effect of Proposed Amendments

1. Definitions

The proposed amendments update the existing definitions to include the addition of the Application to Install Mobilehome/Manufactured Home Earthquake Resistant Bracing Systems and the reference to "Noncombustible" in the Building Code.

2. General Updates Due To The Adoption Of The 2007 California Building Code

Several sections are amended to correct references within the California Building Code (CBC) due to the recent adoption of the 2007 CBC. While similar provisions are referenced, the location within the CBC was changed.

3. Local Enforcement Agency Transfer of Authority
Due to recent legislation (Chapter 138, Statutes of 2008), when a local enforcement agency returns enforcement responsibility back to the State, the fees due upon return are based on the amount of time remaining on the permits to operate.
4. Working Clearance for Electrical Equipment
The working clearance is amended to be consistent with the same provisions in the California Electrical Code.
5. Liquid Petroleum Gas Tanks and Locations
Amendments to include Liquid Petroleum Gas (LPG) tanks of exactly 125 gallons, a correction in the reference to tank locations due to a change in the California Fire Code (CFC), and clarification of the CFC requirements for tank locations.
6. Gas Piping Installation
These sections have been amended at the request of the California Public Utilities Commission. They include a minimum ground cover of twenty-four (24) inches for buried main-line piping and eighteen (18) inches for service lines. Additional amendments include a requirement for sleeved piping under MH-units and recreational vehicles to be sealed and vented. These changes maintain consistency with the requirements contained in Part 192, Title 49, of the Code of Federal Regulations for gas piping as well as the California Plumbing Code.
7. Hydrant Requirements for Older Parks
An amendment to clarify hydrant requirements for parks constructed prior to September 1, 1968.
8. MH-Units and Accessory Buildings or Structures Installed in Fire Hazard Zones
Sections have been added to ensure compliance with the recent State Fire Marshal's amendments to the California Building Code (CBC) for the standards of quality and materials and construction methods for MH-units, camping cabins, and accessory structures installed in State Responsibility Areas and Very High Fire Hazard Severity Zones.
9. Exit Way Lighting
An amendment that will clarify that when a required exit from a MH-unit or recreational vehicle is enclosed with an awning enclosure, the exit doorway from the enclosure must meet the same exit lighting requirements as the required exit.
10. Awning Attachment to a MH-unit
The removal of the requirement to have a freestanding awning if the manufacturer prohibits additional loads on the MH-unit provided the awning is of a lightweight design.
11. Heating and Cooking Facilities in Awning Enclosures
An amendment to clarify the prohibition of heating and cooking facilities in an awning enclosure which is for outdoor recreational use only.
12. Stairway Handrails
Clarification for the dimension of a handrail to aid grasping to be consistent with the CBC and clarification of the bottom terminus of the handrail to allow the continued use of aluminum handrails and minimize injury from contact with the handrail end.

SECTIONS AFFECTED:

Following are the specific sections of Chapters 2 and 2.2 affected by this proposed action:

- Add Section 1322, 1426, 2426
- Amend Chapter 2 Sections 1000, 1002, 1004, 1005, 1006, 1018, 1020, 1020.1, 1020.6, 1032, 1183, 1210, 1211, 1212, 1216, 1312, 1320, 1333, 1429, 1432, 1438, 1468, 1474, 1504, 1612, 1752, and 1756.
- Amend Chapter 2.2 Sections 2002, 2004, 2005, 2006, 2018, 2183, 2210, 2211, 2212, 2216, 2312, 2327, 2429, 2438, 2474, 2504, 2612, 2752, and 2756.

POLICY STATEMENT OVERVIEW:

The Mobilehome and Special Occupancy Parks Programs within HCD are responsible for adopting and enforcing preemptive state regulations for the construction, use, maintenance, and occupancy of privately-owned mobilehome and special occupancy parks within California.

HCD is proposing to amend regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act.

SMALL BUSINESS IMPACT STATEMENT

Small businesses are affected by these regulations. (See “Cost Impact on Representative Private Person or Business” paragraph, below.)

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

There are minimal costs for the installation of the proposed gas piping sleeving changes. However, this is consistent with similar installations of gas piping throughout the State and is outweighed by the safety aspects that this change provides.

The clarification of the old hydrant requirements for parks constructed prior to September 1, 1968, will provide a savings for park operators. Because parks only have to meet the requirements in effect at the time of their construction, the application of the newer water flow requirements on older parks places an undue burden on the park operators. Clarification of the regulation in effect at the

time of their construction will eliminate perceptions that these parks need to bring these older systems up to current standards.

The cost estimates for the installation of manufactured homes and accessory buildings or structures in Very High Fire Hazard Areas and State Responsibility Areas are difficult to ascertain. It is estimated that approximately 25% of the state's 4711 mobilehome parks and 677 recreational vehicle parks may be located in these areas. During the 2007 year, there were approximately 3,200 manufactured home installations and 3,800 accessory buildings or structures installed or constructed in all the state's parks. Accounting for the approximate one-quarter of parks that may be located in fire hazard areas; there is a possibility of approximately 800 manufactured homes and 950 accessory buildings or structures being installed. Further complicating these estimates is that the overwhelming majority of accessory structures consist of aluminum awnings that already comply with the proposed fire hazard area requirements or are located more than 10 feet away from other structures excluding them from the construction requirements. Additionally, the number of manufactured homes and accessory structures actually installed or constructed in these specific parks is also extremely variable. Lastly, the installation of accessory buildings or structures is optional and varies, and may be limited solely to stairways, with minimum additional cost, or aluminum awnings that have no additional costs.

Based on these varying factors, it is estimated that the additional total cost of installing a manufactured home in a Very High Fire Hazard Area or State Responsibility Area, depending on its size, is approximately \$1200 to \$1500 per home. Accessory buildings and structures have a lesser average due to their discretionary nature and predominant fire resistant construction (aluminum). The average additional annual cost of these structures is estimated to be between \$100 and \$1000. It is not possible to adequately determine a statewide cost due to the cyclical nature of building permits.

Also, it is estimated that much, if not all, of the additional costs will be offset by lower fire insurance premiums and the decrease of property loss from fire.

HCD is not aware of any other cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the remaining proposed actions. The additional proposed amendments serve only to clarify existing requirements.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

HCD has determined that no reasonable alternative considered, or has otherwise been identified and brought to the attention of HCD would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following location or from the contact people listed below:

Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Fax (916) 327-4712

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Department's website at the following address:

<http://www.hcd.ca.gov/codes/mp>

Questions regarding the regulatory process may be directed to:

Ruth Ibarra, Staff Services Analyst
Telephone Number: (916) 327-2796/ Fax (916) 327-4712
E-mail: ribarra@hcd.ca.gov

Clarification regarding the substance of this regulatory proposal may be directed to:

Brad Harward, Mobilehome & Special Occupancy Parks Program Manager
Telephone Number: (916) 324-4907/ Fax (916) 327-4712
E-mail: bharward@hcd.ca.gov

Written comments may be submitted by any of the following methods:

By mail to: Department of Housing and Community Development
Division of Codes and Standards
P. O. Box 1407
Sacramento, CA 95812-1407
ATTN: Mobilehome and Special Occupancy Parks Programs

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712 ATTN: Brad Harward